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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,508	12/04/2001	Michael Kendrick Reiter	CHOCKLER 1-1-7	9654

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EXAMINER

DONAGHUE, LARRY D

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,508	<b>Applicant(s)</b> REITER ET AL.	
	<b>Examiner</b> Larry D. Donaghue	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08/25/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1-20 are presented for examination.
2. Applicant's arguments, filed 08/25/2005 with respect to the rejection(s) of claim(s) and the amendment made, have been fully considered and are persuasive in view of the amendment. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection was made (see below).
- 3.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8-12, 14-18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over MacLellan et al 6,177,861 in view of Bennett (5,734,909).

Regarding to claimed invention of claims 1,8 and 14, MacLellan et al teaches protocols that uses backoff/retry algorithm to randomly retransmit any non-acknowledged messages, see abstract, comprising, a client subsystem that generates a request for access to a shared resources such an application processor 101 communicates over a WAN to one or more Interrogators 103 and further communicates with one or more endpoints called Tag 105, see col. 2, lines 54-60, a server subsystem that receives said request, and returns a LOCKED indicator such as Interrogator 105 receives a data message 106 from processor 101, and in the Uplink Data Exchange Protocol, data is present in the Tag 105 which is required to be transmitted to Interrogator 103, and upon successful reception of this data, the acknowledgment message is received by Tag 105, see col. 4, lines 45-col. 5, lines 1-7. Furthermore MacLellan et al discloses that if Downlink acknowledgment signal is not successfully received, then Downlink Acknowledgment is delayed until time slot, see col. 5, lines 8-60. and in figure 6, Downlink data message is transmitted if Tag 105 does not successfully receives the Downlink data message, and waits for the next Downlink data transmission, see col. 7, lines 51-56. Regarding claims 2, 9, and 15 with broadest interpretation, MacLellan et al teaches length of time to required for Uplink data Exchange protocol 500 must be completed, see col. 5, lines 61-66.

MacLellan et al. did not expressly teach configuring the client to respond an amount of time after receiving the LOCKED indicator, this is taught by Bennett (col. 1, lines 47-50 and col. 2, lines 46-45), it would have been obvious to modify MacLellan et al. with the teaching of Bennett as it would provide for the orderly servicing of clients request.

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Regarding claims 3-6, 10-12, 16-18, and 20 claimed subject matter is inherently disclosed in the system of MacLellan since most often used protocols for a common bus network is referred to as carrier sense multiple-access/collision-detection, and implementation of this standard is called Ethernet which uses backoff/retry algorithm, and is used in shared network resources.

6. Claims 7, 13 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over MacLellan et al. and Bennett in view of Underwood (6,704,873).

Regarding to claimed invention MacLellan et al and Bennett did not disclose digitally signing client request. 6,704,873 teach global Internet working gateway architecture in an e-commerce environment including digital signature services. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention that any shared resources using Ethernet channel can make advantageous use of digital signature to gain secure access. The teaching of digital signature services of Underwood would provide secure transmission and acknowledgment of single packet of the combined teaching of MacLellan et al. and Bennett.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

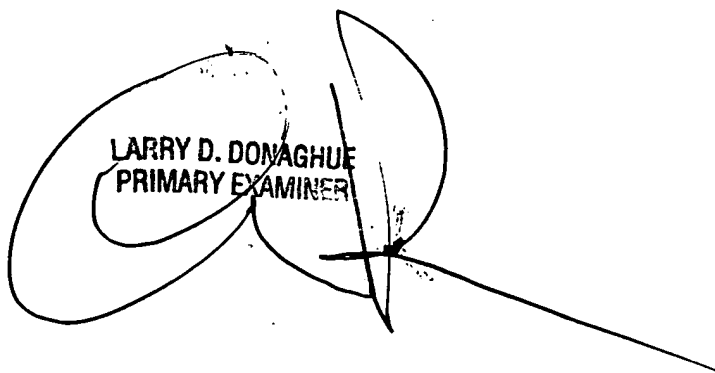
Preslan et al.	Device Locks: Mutual Exclusion for Storage Area Network
Mizuno et al.	Lock-Based Self-Stabilizing Distributed Mutual Exclusion Algorithms
Cypher	The Communication Requirements of Mutual Exclusion
Hsieh et al.	Decentralized Mutual Exclusion in The Presence of Link Failures
Marshall et al.	6,662,252
McLaughlin et al.	6,959,337
Reuter et al.	6,463,532
Higuchi et al.	6,502,136
Brealey et al.	6,026,401
Shimbo et al.	5,835,601
White et al.	5,293,621
Henson et al.	5,226,159
Sakakura et al.	5,625,795
Buch	5,669,002

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right. The signature is written over a rectangular stamp.

LARRY D. DONAGHUE  
PRIMARY EXAMINER